

September 15, 2009

Mr. Roger Briggs, Executive Director
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo CA 93401

Subject: Transmittal of Year 3 Annual Report and Response to Comments on Santa
Barbara County Year 2 Annual Report
NPDES Small MS4 General Permit WDID #342MS03024

The County of Santa Barbara is pleased to submit our Year 3 Annual Report on the status of our Storm Water Management Program (SWMP). In addition, this letter transmits the County's response to the Regional Board staff letter dated April 10, 2009 on the Santa Barbara County Annual Report for Year 2 implementation of our SWMP. For ease of comparison, this letter follows the outline from your letter dated April 10, 2009. The first section addresses the additional issue of the north/south allocation of resources that was discussed at the May 8, 2009 Water Board meeting.

North/South County Allocation of Resources

The allocation throughout the County (north and south) of staff and financial resources was not included in the April 10, 2009 letter, but was part of subsequent discussions with Regional Board staff and at the May 8, 2009 Water Board meeting. The Water Board's concern is that more resources are expended on the south coast than in areas north of the Santa Ynez Mountains. The allocation of staff and financial resources during the first two permit years was higher in the southern portion of the County, particularly for the Public Education and Outreach, Public Involvement, and Municipal Operations components of the SWMP. However, this trend is changing in Year 3.

The County's early involvement in clean water was initially influenced by the residents and elected officials of the South County. The County's SWMP drew from the direct and active involvement of a number of interested community members and environmental organizations that are located on the south coast. Thus the focus of community events,

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forums and stakeholder meetings largely fell to the south. In addition, there are substantially more creeks within the permit area along the south coast as compared to the North County. While the initial focus was in the South County, the balance has been shifting as the County's SWMP matures and is becoming fully operational.

The County's Public Education and Outreach Program focused initially on a youth education program housed in our Watershed Resource Center, located on the South Coast. During Year 3, youth education through classroom presentations was significantly increased in the north. The County's education contractor (Art From Scrap) gave classroom presentations on water quality to 921 North County students through its Creek Kids series as compared with 569 students in South County. These efforts will continue into Years 4 and 5. In addition, two mobile business workshops were held in the north during Year 3 along with a combined north/south hydromodification workshop that attracted over 100 participants, including individuals from the north. Latino outreach efforts and radio and media outreach is fairly evenly distributed throughout the entire County.

The Public Involvement component of our SWMP began initially with the majority of public events and volunteer cleanups focused in the south, again due to community interest, the location of more creeks, and concern due to high frequency of beach warnings/closures. There has always been limited opportunity for volunteer water quality sampling and cleanup in North County since water is only present in permit area creeks during heavy storm events and because most creeks are on private property with very limited access. The Public Involvement focus began to shift during Year 3 where 8 out of 17 community events were held in North County and a beach cleanup was held at Jalama Beach. The increase in events coincided with permit enrollment of the City of Santa Maria, a County partner in the clean water program. The County will continue to seek opportunities to partner with the Cities of Santa Maria and Lompoc and will work with Buellton and Solvang once they are enrolled and active in implementing their storm water management programs.

The Illicit Discharge, Construction Runoff Control, and Post-Construction components of the County SWMP have always been implemented evenly between both parts of the County, and for Construction and Post-Construction, have a higher resource allocation in the north since this is where the majority of new construction activity occurs. However, the majority of complaints do occur in the South County due to the greater visibility of riparian, estuarine, and marine areas, and the efforts of an active, observant, and diligent population.

Overall, the County's Municipal Operations component is distributed evenly north and south. In terms of evaluating, monitoring, training and instituting BMPs at County facilities, we spend more staff resources on North County sites, as there are more County facilities located in the north. Direct costs are slightly higher in the South County due to maintenance of the treatment control facilities (CDS units and bioswales) and street

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sweeping. Treatment control facilities are located in the south because they were originally funded under a grant targeting the southern coastal unincorporated area. More lane miles are swept in the south than in the north because there are more heavily traveled commercial areas. While our overall allocation of staff time is evenly split, these two items result in higher direct costs for Municipal Operations in the south.

Overall Program

A. BMP Tables – Revised SWMP 2008

Action: Please provide, as a revision to the SWMP, BMP Implementation Tables for each Minimum Control Measure (MCM) as previously provided in the July 2006 SWMP that include items listed above, with the next annual report.

The BMP Implementation Tables that were removed from the 2008 revised SWMP have been re-created for each (MCM) and will be included in future versions of the SWMP.

B. Assessing Program Effectiveness

Action: Please review BMPs and MGs and provide, as an addendum to this annual report, appropriate effectiveness information for BMPs as specified below. Provide an appropriate evaluation of effectiveness in the next annual report for all BMPs and MGs.

Effectiveness information is provided below for the BMPs specified in the April 10, 2008 letter. The County's Year 3 Annual Report attempts to provide a more meaningful discussion of effectiveness based on the Water Board's Annual Report Guidance. The Program Effectiveness Assessment can be found in Chapter 7 of the Year 3 Annual Report. In addition to continuing to use the systematic CASQA effectiveness assessment approach for each set of BMPs, a narrative summary of effectiveness was added that looks collectively at all BMPs within each MCM. This programmatic evaluation is used to ascertain if each of the MCMs as a whole is appropriate and effective, to evaluate whether certain BMPs are more successful and/or cost effective than others, and ultimately to determine if the overall SWMP is working effectively. The "Planned Year 4 Activities" for each BMP within each of the six MCM chapters provides improvement recommendations where appropriate.

I. MCM #1: Public Education and Outreach

A. Community-Based Social Marketing

Recommendation: Water Board staff recommends that you incorporate community-based social marketing into the SWMP.

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Project Clean Water staff attended a Community Based Social Marketing workshop for Nonprofits in January hosted by the NW Environmental Training Center. Elements of social marketing are considered when implementing various outreach and educational Measurable Goals.

B. BMP 1.6 – Educational Program for Children

Action: *Please provide, as an addendum to this annual report, language in the annual report's Proposed Year 3 Activities to analyze the results of evaluations and tailor its education programs based on that analysis. Also revise the SWMP to include a MG that ensures the County analyzes presentation evaluations to improve its educational program for children, and report on the revisions in the next annual report.*

Presentation evaluations are used on an ongoing basis to improve the educational programs for children. The Year 2 Annual Report Proposed Year 3 Activities for MG 1.6.2 is amended to include the sentence “Results of these evaluations will be analyzed to improve the educational curriculum. MG 1.6.2 was modified from Year 2 to include the language “*The results from these evaluations will be used to revise the presentation content as needed*” and will be reported in the Year 3 Annual Report.

C. BMP 1.12 – Media Campaign

Recommendation: *The County should also run bus ads in North Santa Barbara County to expand and diversify outreach. We recommend the County cooperate with other communities such as Santa Maria, Lompoc, Solvang, and Buellton on outreach activities.*

The County has discussed bus ads in the North County in partnership with the City of Santa Maria however those bus lines currently only run within the City limits. The County will continue to seek cooperative media campaigns as more North County Storm Water Management Programs are approved.

D. BMP 1.14 – Incentives for Built-Out Areas

Action: *Please provide, as an addendum to this annual report, a summary of the incentive program to be implemented in Year 3. Also revise the SWMP to include a description of this newly developed BMP, along with appropriate MGs to evaluate effectiveness of this BMP, and report on the revisions in the next annual report.*

Additional funds are not available to develop a dedicated incentive program however several incentives for commercial and residential built-out areas exist within current County programs and these have been incorporated into this incentive program over the past three permit years. Existing incentive programs include the following: The Green Business Program, Green Gardener Program, Certificate of Recognition for businesses (part of Project Clean Water’s Business Inspection Program), free County mulch pile, and

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Compost Bin Sale. A newly developed MG will be added in Year 3 to evaluate the effectiveness of this BMP. The County will continue to research funding mechanisms and opportunities to partner with ongoing or new County retrofit incentive programs during Years 4 and 5.

II. MCM #2: Public Participation

A. BMP 2.1 - Stakeholder Committee

Action: Please provide, as an addendum to this annual report, a discussion why the County receives low attendance by the public at stakeholder committee meetings and how the County proposes to improve public participation at the meetings. **Revise the SWMP** to include a MG that commits the County to evaluate the BMPs effectiveness and to increase stakeholder participation over time, and report on the revisions **in the next annual report**.

The Stakeholders meetings began in 1998 to provide community input on water quality issues. The County's SWMP has matured and is now a well established program. A decrease in public participation is to be expected as a typical progression of any new program. Other explanations for low attendance at meetings include increased competition for the public's time, meeting fatigue, and increased access to information online and through email. There is always opportunity for the public to provide comment to Project Clean Water staff outside of the standard meeting format. Stakeholders are informed of program progress and events through regular Project Clean Water email updates and the website. These forums are often a more efficient way for all parties to communicate, especially in times when few changes are being made to the program. We expect stakeholder involvement to increase over the next two permit years as public discussions related to development and implementation of hydromodification criteria come to the forefront. The SWMP has been revised to include new MG 2.1.5 to evaluate the effectiveness of holding quarterly stakeholder meetings as a means of increasing stakeholder participation and make recommendations for improvement where inadequacies are identified

B. BMP 2.4 - Volunteer Water Quality Sampling

Action: Please provide, as an addendum to this annual report, the target number of participants per event to determine effectiveness of the BMP. Also **revise the SWMP** to include MGs for this BMP to reach the target number of participants, and report on the revisions **in the next annual report**. **Recommendation:** The Volunteer Water Quality Sampling program does not offer sampling events in North Santa Barbara County. The County should include sampling events in North County to expand and diversify its outreach.

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The target number of participants per event will be five and in Year 3 MG 2.4.2 will be amended to include this target number. There is limited opportunity for volunteer water quality sampling in North County as water is only present in permit area creeks during heavy storm events.

C. BMP 2.5 – Community Clean-ups

Action: *Please provide, as an addendum to this annual report, a discussion on how the County evaluates its clean-up program and how it intends to improve public participation. Also discuss why the County does not provide for clean-up events in North County and include a discussion on how the County proposes to include this outreach in North County. Revise the SWMP to include MGs that allow the County to evaluate and improve public participation for this BMP that include outreach in North County, and report on the revisions in the next annual report.*

Public participation in County sponsored clean-up events for the last two permit years has been steady and well-attended. Creek Week clean-ups, organized and sponsored by PCW, averages attendance over 140 each year; Coastal Cleanup Day, organized by the County, turns out over 500 participants County-wide per year and the County Parks Department beach clean-ups mobilizes over 120 community members yearly. More clean up events are not conducted in North County permit area creeks as they either lack public access or their configuration poses safety concerns. The County is partnering with the City of Santa Maria for the annual Project Clean Waterways in providing this event with clean-up supplies and organizing a clean-up of County facilities. In addition Coastal Cleanup Day includes North County beaches at Jalama and Guadalupe.

A. BMP 3.2 – Storm Water Ordinance (page 4)

Action: *Please provide, as an addendum to this annual report, a discussion that summarizes the nature and sources of illicit discharges and abatement results as shown in Appendix 3C, including issuance of Notice of Violations. Discuss in what manner the ordinance has been used to eliminate illicit discharges. Provide recommendations for continued improvement of the content and use of the storm water ordinance.*

Appendix 3C. Appendix 3C is a summary of all complaints / discoveries from a portion of the County's illicit discharge discovery and abatement program. There is a column for recording the nature of discharge (Discharge), sources (Responsible), and abatement results (Action Taken, Follow-Up, and Follow-Up Notes). An example of that information is shown in Table 1, Attachment A. Additional columns include dates received, date of response, location, receiving water, whether it is a complaint or discovery by Project Clean Water staff, the reporting party and their contact information if provided, the responder's name, the location or address of discharge, and whether a letter was submitted.

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In Year 2, any letter used as a follow-up communication tool was considered and reported as an NOV (Notice of Violation). See Table 2, Attachment A, for additional information on these cases. In Year 3, not all written communication is termed, and therefore reported as, “NOV” (in fact, Year 3 there were no NOV’s). NOV’s are used in cases where initial efforts to abate a discharge have failed and the severity of the discharge warrants escalating response, ultimately leading to fines or imprisonment. Other written correspondence will be just that: written communication used to explain, educate, and require abatement if appropriate. Where a polluted discharge is occurring or has occurred and abatement is required, notification to the responsible party through a Notice of Correction. If abatement and/or restoration is required, the notice will set forth a deadline to comply, after which the Director of Public Works may order the work to be completed and the expense charged to the responsible party. Some violations require immediate abatement and a deadline would not be provided. Failure to desist such violation would result in administrative fines or criminal prosecution.

Ordinance. As described in the revised SWMP (submitted 2008), the approach for addressing illicit discharges is first to educate the responsible party and if possible, abate the discharge. The communication explains that polluted discharges are illegal because of impacts to water quality and that such discharges are prohibited. Where possible, the communication is face-to-face. Where the responsible party is not present, written communication may be substituted. All communication cites regulatory code, including the Discharge Ordinance (Chapter 29 County Code) and possible Health & Safety Code for liquid discharges or hazardous materials.

Where abatement and cleanup are required, staff will make additional site visits to verify abatement and cleanup are complete. Occasionally abatement or cleanup is not possible, for example cases where the discharge occurred in the past and cannot be cleaned-up, or where the discharge is anecdotal but there is no evidence or remaining material to remove.

There have been no cases to date where higher levels of enforcement were necessary. Should a responsible party fail to abate a discharge, continue to discharge, or create a scenario that could result in a serious threat to water quality, there are a number of enforcement tools in Chapter 29, starting with administrative fines. These are discussed in the SWMP.

It is important to recognize that polluted discharges were prohibited prior to adoption of Discharge Ordinance (Chapter 29) through Health & Sanitation Code (Chapter 18) and Solid Waste Services Code (Chapter 17). Public Works, Public Health, and Fire Department personnel have always been and continue to be able to enforce these prohibitions. Chapter 29 did not change the County’s approach toward eliminating illicit discharges.

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Chapter 29 did provide clarity on prohibitions of these discharges into the storm drain system. Chapter 29 provides support of the new business inspection program implemented by Project Clean Water staff, as it authorizes Public Works staff to enter private property and investigate potential pollution sources. Thus, a routine clean water business inspection program was implemented in Year 2 of the storm water program to augment the existing inspection programs for food facilities and facilities that create or store hazardous materials / wastes.

The content and use of the storm water ordinance, Chapter 29, has allowed the County to successfully continue and build upon our program of illicit discharge, detection, control and elimination. Improvement of content and use of the storm water ordinance is not recommended.

C. BMP 3.5 Commercial / Industrial Facility Inspections

1. Issue

Action: Please provide, as an addendum to this annual report, a discussion of items stated above. Also provide a discussion of these items in the next annual report.

(1) Actions are not clearly articulated in the annual report. Department actions must be clearly discussed for the County to continue to collaborate with the Fire Dept and EHS for storm water inspections.

(2) The annual report does not describe follow-up actions for businesses that were cited and did not comply by due date, as requested in the Water Board's Jan28, 2008 letter.

As stated in our Storm Water Management Program the illicit discharge detection and elimination MCM relies on coordination among local agencies with complementary regulatory responsibilities. The County's overall inspection program includes other existing business inspection programs administered within the County, namely the County Fire Department's hazardous materials inspection program and the Environmental Health Department's liquid waste and food facility inspection program. These inspection programs address human health and safety issues and have an ongoing inspection schedule with follow-up enforcement authorities. While their regulations and mandates are different, there is overlap in that clean businesses mean less pollution in our waterways. These County Departments recognized the need to minimize duplication of effort and therefore agreed to include storm water issues such as wash water disposal, good housekeeping practices and containment of trash in their routine inspections. For this reason, businesses already enrolled in these inspection programs are not targeted in the business inspection program administered by Project Clean Water. Overall, this cooperative effort at completing business inspections is efficient and effective, with Project Clean Water staff targeting those businesses not already inspected but with potential to cause storm water pollution. Taking over inspection of the businesses that are not reached or spending time overseeing violations of another department would mean

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less frequent inspection of those businesses on the identified/targeted list for inspection by Project Clean Water.

Facilities that are subject to any CUPA program are inspected either annually or triennially by Fire Department staff. Those that are found to be out of compliance in a manner that could threaten the waters of the State, are required to return to compliance within 30 days or less depending on the severity of the issue and possible consequences. Other compliance issues such as paperwork deficiencies are dealt with as quickly as possible. Tools and regulations are in place to ensure compliance and follow-up actions are taken.

(3) The annual report does not discuss what specific storm water issues are discussed during department trainings.

See Attachment B for outline of department trainings.

(4) Fire Department’s inspection checklist does not have requirements specific to storm water pollutant identification.

See Attachment C for Fire Department inspection checklists. Although the overall program of inspections of Business Plan / CalARP / Hazardous Waste Generator(s) provide a high level of oversight to prevent release of pollutants, examples of specific items that protect storm water runoff from pollutants include:

H&S Code	CCR 19	Requirements
25504(b)	2731	ERP complete; implemented properly, immediate 911 calls if release, prevention/mitigation measures to protect people/environment
25507	2729.4	Immediate reporting of release to 911 and State OES.
25158	66265.31	Good housekeeping practices in place
NA	66265.171/66265.174	Containers are in good condition / inspected weekly
NA	66265.172	Containers closed except when adding / removing HW
	66262.34(f)	Container properly labeled.

(5) The annual report also does not provide a copy of the EHS inspection checklist.

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See Attachment D for EHS inspection checklists.

(6) Appendix 3F indicates that 315 food facilities were not inspected in Year 2. This must be explained.

(7) Food facilities that are not inspected by EHS should be included in Project Clean Water's prioritization of inspections.

The number of routine inspections is less than the number of restaurants because the combination of staff vacancies, rechecks, and other workload responsibilities resulted in less than 100% of facilities receiving a routine inspection during the 12-month period in question. EHS completed 87% of their target goal for the 12-month time period. In the past there was a need for additional food inspectors. EHS has increased staffing levels in the Food program and the program manager will be working with supervisors to ensure that each facility receives a routine inspection within Year 4. Project Clean Water staff will continue to train EHS inspectors to better incorporate storm water pollution prevention BMP inspections and will continue to target businesses that are not already inspected by other County departments.

D. BMP 3.6 – Field Inspections and Abatement (page 6)

***Action:** Please provide, as an addendum to this annual report, a discussion of items stated above. Include similar discussion in the next annual report. Please explain the inconsistency between Table 3-2 creek walk dates and the Year 2 permit term (July 1, 2007 – June 30, 2008).*

The Storm Water Management Program was revised in 2008 based upon the Water Boards Jan 28, 2008 letter to include the following description of the nature of creek walks:

Creekwalks. Creeks are walked within that portion which passes through the General Permit area each year in the fall, prior to the rainy season, by Project Clean Water staff. Creeks are walked within the Flood Control District's boundaries (which includes the urban areas of the permit and additional waterbodies outside of the permit area) each year in the spring. The list of creeks is shown in Appendix J. Where illicit discharges are discovered, the complaint response protocol is followed.

Where pollutants are identified, such as homeless encampments, green waste dumping, excessive animal excrement and other issues where water quality could be impacted by human activities, the property owner is either notified immediately if the threat is significant or the information is entered into the Project Clean Water Geographic Information System (GIS) database as discoveries and are addressed within 24 hours. Follow-up field investigations ensure all illicit discharges are eliminated.

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In order to maximize resources, potential sources of illegal dumping and illicit connections are identified and prioritized based in part on public access and contact to the area (or storm drain), and characterization of nearby land uses as industrial, commercial and older residential areas.

There were a number of typographic errors in the Year 2 Annual Report mistaking the year of creek walks. The following table corrects those errors, and affirms that creeks were walked twice during the permit term.

Stream	*Date Walked	Discoveries	Comments
Alamo Pintado	4/7/08fc, 11/20/07pcw	None	
Arroyo Paredon	3/17/08fc, 2/21/08pcw	Poor agricultural practices, Trash	Forwarded to CRCD
Atascadero	4/8/08fc, 2/28/08pcw	None	
Buena Vista	4/2/08fc, 10/11/07pcw	None	
Carpinteria	3/17/08fc, 8/30/07pcw	Trash at roadcrossing	Cleanup after walk
Cieneguitas	3/18/08fc, 5/13/08pcw	None	
Devereux	3/17/08fc, 8/31/07pcw	Trash	Creek Clean Up 4/20/08
Garrapata	3/17/08fc, 9/27/07pcw	None	
Hot Springs	4/2/08fc, 7/25/07pcw	None	
Hospital	3/18/08fc, 3/21/08pcw	Trash, Dog Waste	Creek Clean Up 4/20/08, Service Master Cleaned
Las Palmas	11/21/07pcw, 5/13/08pcw	None	
Las Vegas	3/19/08fc, 3/7/08pcw	None	
Maria Ygnacio	4/9/08fc, 3/6/08pcw	None	
Montecito	3/31/08fc, 7/27/07pcw	None	
Oak	4/2/08fc, 3/12/08pcw	None	
Orcutt /Orcutt	3/20/08fc,	None	
Solomon	11/20/07pcw		
Picay	3/17/08fc, 11/2/07pcw	None	
Romero	4/1/08fc, 11/2/07pcw	None	
San Antonio	4/3/08fc, 5/30/08pcw	None	
South Coast			
San Antonio	3/24/08fc,	None	
Los Alamos	11/20/07pcw		
San Jose	3/26/08fc, 4/9/08pcw	Homeless encampment	Sheriff response
San Pedro	3/26/08fc, 3/7/08pcw	None	

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Stream	*Date Walked	Discoveries	Comments
San Ysidro	4/8/08fc, 3/20/08pcw	None	
Santa Monica	7/8/07pcw, 4/17/08pcw	None	
Tecolote	4/8/08fc, 1/18/08pcw	None	
Toro Canyon	4/2/08fc, 9/20/07pcw	None	
Zanja De Cote	3/26/08pcw, 11/20/07pcw	None	

IV. MCM #4 Construction

BMP 4.2 – Grading Code Evaluation

Action: Please provide, as an addendum to this annual report, a time schedule to evaluate and revise the Grading Code appropriately, according to the items discussed above. Revisions to the ordinance must be completed and implemented no later than the end of Year 4 of the permit term. Water Board staff encourages the County to implement recommended areas of improvement as identified in the annual report Appendix 4A (Construction Program Evaluation – Draft April 08).

Recommendations from the Grading Ordinance evaluation report completed during Year 2 were evaluated during Year 3. Some recommendations, such as tracking system upgrades and a standard list of minimum construction BMPs for planners to use were implemented in Year 3. The recommendation to require performance bonds for all projects exceeding 500 cubic yards of grading is already required. In order to meet or exceed the requirements of the Phase II General Permit, it is anticipated that Planning & Development staff will make revisions to the Grading Code and will take recommendations to the Board of Supervisors for consideration by fall 2010.

BMP 4.4 – Plan Review, Site Inspection and Enforcement

1. Issue

Action: Please provide, as an addendum to this annual report, a discussion to further justify why the minimum inspection quota was not met in Year 2. Include a discussion of how the County proposes to improve on its inspection frequency to meet this minimum quota in the future. Also define improvements to be made to the Accela tracking database which should include but not be limited to specific site information, inspection frequency and results, complaints, violations, enforcement actions, and follow-up inspections.

Less grading permit submittals does not relate to fewer inspectors needed to complete required inspections. The majority of grading projects that exceed one acre in size take many years to complete. For example, projects that began grading in 2006 or 2007 when our staffing levels were higher are still under construction today. So currently we have a

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far higher project-to-inspector ratio than we did two years ago. Therefore, it is unrealistic to compare the currently lower permit submittals with the lower staff as a one to one ratio. Additionally, the new project submittals (although fewer than two years ago) are much higher when compared to our current grading staffing level (1 ½ full time inspectors). The current grading division is being asked to perform more work with fewer resources, but it will do its best to meet the Water Board's requirements during this next rainy season.

During Year 3, major upgrades were made to the system which provided new functionality to the Accela permit information management system. The system allows input of specific site information, inspection frequency, violations, enforcement actions and follow-up inspections. Changes were made to the reporting function which allows detailed notes that are entered during inspections to appear on reports, thus providing a more complete understanding of what occurred on a given case.

2. Issue

Action: *Please provide, as an addendum to this annual report, a discussion on how the County proposes to retain all inspection documentation and track its notices to be used in follow-up inspections, and as justification for its escalating enforcement strategy. This action is necessary to remedy the violation described above. Failure to remedy this violation may cause further enforcement action by the Water Board.*

The grading division will input all correction items into the Accela tracking system under the grading permit number. This will maintain a copy of all correction issues within the data base forever. It is worth noting that the majority of corrective action requests have been proactive correction notices, not correction notices for off site sediment loss after rain events due to improperly maintained sediment control devices.

The issuance of a Notice of Violation (NOV) does not carry penalties if the items noted in the NOV are corrected within the timelines noted. No NOV can be issued with shorter than a 30 day deadline. Therefore, if we were to issue a NOV and the contractor calls us for re-inspection on day 30 and all items have been corrected, there is no penalty.

BMP 4.6 – Evaluate Land Use Permit Program Efficacy

Action: *Please provide, as an addendum to this annual report, a discussion of the County's findings for 1000 Via Tranquila, Hope Ranch, and a discussion of its planning and regulatory functions. This is our second request for the County to report this information per 13267 and 13383.*

In our March 28, 2008 written response to the Regional Board staff letter dated January 28, 2008, Project Clean Water staff, in consultation with Planning & Development staff, provided a discussion of the planning and regulatory events related to the Via Tranquila

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case. That response included the complete complaints/discoveries narrative entry and the following conclusory statements:

The following is apparent: 1) County staff made four site visits, ordered removal of loose soil deposited along creek bank, and required stabilization measures be placed on the bank, 2) subsequent follow-up inspections by County staff confirmed these measures were completed, 3) Fish and Game acknowledged that the activity is regulated under a 1600 Agreement and stated that they would provide permit follow-up.

We offer the following additional discussion to supplement the findings provided in our March 28, 2008 letter:

The land use permits were originally issued for a new residence and associated grading. The original project did not propose to disturb more than one acre. Initial review of the project by County staff did not indicate that the drainage way was an environmentally sensitive area or that the landscape work in proximity to the drainage required additional permit conditions or permits from the Department of Fish and Game (DFG). The landscape work (considered clearing and grubbing) grew over time as DFG requirements for restoration and removal of exotic vegetation caused the area of disturbance to expand in size. The total cumulative disturbed area would have triggered the need for a Storm Water Pollution Prevention Plan if you assume that the clearing and grubbing associated with the landscape and restoration work required by DFG was to be considered as part of the grading associated with the development. Our current grading code does not consider clearing and grubbing to be grading. Once the Building and Safety Grading Division staff became aware of the activity onsite, action was taken to halt further work and to require corrective action in the form of slope stabilization, erosion control measures and restoration under the guidance of DFG.

This is a project that began small and grew in size and scope. Initial review and inspection indicated that the project was not a threat to water quality. This was perhaps an error in judgment on the part of County staff; however we who are now responsible for explaining this occurrence from over two years ago are not in a position to question the professional judgment of trained staff overseeing the project at the time. We can say that once the Grading Division did get involved, action was taken to work with the property owner and regulatory agencies to rectify the situation and ensure that measures were taken to protect water quality and the integrity of the drainage feature through a combination of County efforts and deferral to DFG for oversight of the restoration work.

The County believes that the existing planning and regulatory functions are effective in assuring consistency with General Permit requirements. The existing zoning ordinance, policies, and procedures are consistent with construction minimum control measures and if followed correctly ensure consistency with the General Permit. We believe that the Via Tranquila case was an anomalous case that will be rectified through evaluation and adoption as appropriate of the recommendations from the Evaluation Report (Appendix

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4A of Annual Report Year 2) and revisions to the Grading Code. These efforts will be completed by fall of 2010 as discussed above under BMP 4.2 Grading Code Evaluation.

BMP 4.8 – Construction Workshops

Action: Please provide, as addendum to this annual report, a proper evaluation of the workshops effectiveness and how the County proposes to make improvements to the program, including ideas to increase public participation. Improvements must be indicated and discussed in “Planned Year 3 Activities” and “Proposed Modifications” sections listed under the MG.

The two workshops held in April 2008 were focused on presenting the results of the Year 2 evaluation of the County’s construction permit program and its effectiveness at protecting water quality during construction activities.

In addition to a mass email to the Project Clean Water stakeholders, advertising for the workshops included the entire membership of the Santa Barbara Contractors Association (in April newsletter), the Santa Maria Valley Contractors Association (electronic newsletter and announcement at General Meeting), and the Home Builders Association of the Central Coast (email). Project Clean Water staff made personal phone calls to a number of major contractors, urging attendance. The event was also one of the regularly-scheduled Project Clean Water stakeholder meetings. Typically, a handful of locally-concerned individuals attend the stakeholder meetings in Santa Barbara. With the exception of one individual from Santa Barbara Channelkeeper, no stakeholders attended the workshops.

It is clear that the turnout was small in spite of a broad and targeted effort at publicizing the event. In our opinion, the lack of interest indicates a low level of concern by the public and by the individuals involved in the construction trades. It indicates that construction activities are not perceived as a major source of impairment to water quality. It indicates that the construction-trades community is satisfied with the current county approach to regulating their activities. Furthermore, it indicates that the proposed revisions to the program did not cause concern to the construction-trades community.

We are uncertain at this time how best to address the Water Board’s assertion that the workshops were ineffective. Project Clean Water staff made their best effort to encourage attendance.

The most effective way to increase participation is to provide a topic of interest (or concern) to participants. For example, last year the County hosted a forum on hydromodification at Lake Cachuma. This was also one of the regularly-scheduled stakeholder meetings, and advertised accordingly. Turnout at that event was much greater than anticipated, with standing-room only (estimates at >100 people in attendance). Hydromodification is a topic of interest to the construction and design-trades community,

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to land use planners, and to environmental stakeholders. Therefore, participation was high.

Effectiveness should not always be paired with the level of participation; people don't participate for many reasons, not the least of which is their level of interest in the topic. We cannot make people come to our workshops, but we can endeavor to offer workshops that are relevant, timely, and of interest to a broad community.

V. MCM #5 Post Construction

BMP 5.5 – Staff Training

Action: Please provide, as an addendum to this annual report, a proper discussion of “Proposed Modifications” including more time allocated for training to complete the training program survey or other appropriate resolution. “Planned Year 3 Activities” discussion must include proposed resolution to findings of the training survey evaluation and effectiveness assessment.

Proposed Modifications: Ongoing annual training for planners will continue; no modifications to measurable goal are recommended.

Leave text as-is; this indicates that training will continue. See below.

Planned Year 3 Activities: Continue to provide training to all existing and new planning staff using similar format and materials as Year 2, with focus on items from the survey and from participant feedback. This will include focus on areas of policy interpretation that address Low Impact Development, how to identify Low Impact Development opportunities in project proposals, the importance of including such measures in application submittals, and direction to applicants on Low Impact Development design. The website will be used as a tool for both planners and applicants to identify the permit process as it relates to post-construction BMPs and project evaluation, and a resource for Low Impact Development. The same follow-up survey will be used to track responses over time. Areas that were answered incorrectly during Year 2 will be noted during training Year 3.

Add the following new text: Additional time will be allotted during the training in order to complete the survey. Training will include special focus on costs of BMPs and type of information necessary for a complete application submittal.

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VI MCM #6 – Municipal Operations

A. BMP 6.2 – Site Specific Water Quality Protocols

Action: Please provide, as an addendum to this annual report, a discussion of which facilities the County will not be developing specific water quality protocols for and why.

There are approximately 428 identified County-owned facilities, buildings, or properties. A list of all facilities is attached (See Appendix A). The facilities the County will not be developing specific water quality protocols have uses of lower potential impact to water quality.

Almost all of the listed properties in Attachment E were visited prior to approval of the Storm Water Management Program. Based upon these site visits, the facilities selected for Water Quality Protocols were unique from all other County facilities in that they 1) support such activities as vehicle or equipment operations, or are corporate yards with storage and handling of materials, etc. and 2) are not regulated by the state through an NPDES Industrial General Permit, and therefore do not already have site-specific Storm Water Pollution Prevention Plans (SWPPPs) as required under that permit.

B. BMP 6.4 – BMP Fact Sheet

1. Issue

Action: Please provide, as an addendum to this annual report, a discussion whether the web-based BMP reporting system has been developed and is in use by departmental staff. If it has not yet been offered for use by staff, explain when it is proposed for implementation.

The web-based BMP reporting system was fully developed in Year 2 as required by MG 6.4.1.

MG 6.4.1. Develop an interactive web-based program for departmental reporting on BMP implementation as listed in the Fact Sheets, including BMPs selected, performance measures, or a schedule for BMP implementation and reporting (year 2).

As discussed in the Year 2 Annual Report, beta-testing had not been completed. In other words, the reporting system was fully developed and up and running, but it had not been applied by other divisions or departments by June 30. Application and use by other managers is not a requirement of this measurable goal. It is in use by Project Clean Water staff. The program will be applied by facility managers during Year 3.

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2. Issue

Action: *Please provide, as an addendum to this annual report, a proper evaluation of the effectiveness of the municipal facility BMPs to meet the requirement this MG.*

Eight County campuses were inspected and evaluated for good housekeeping practices consistent with the County's BMP Fact Sheets. These eight campuses represent the largest County campuses outside of those for which Protocols have been developed. They were selected because of their size, the high level of use by County employees and the public, and representation of all County Departments. Each campus was inspected by Project Clean Water staff in a thorough walkthrough of the area. The primary BMPs that were evaluated are listed in Attachment F to this addendum response letter.

This BMP was effective because it reflected the nature of housekeeping practices at County facilities with direct feedback to Project Clean Water staff. Project Clean Water staff are experts on County BMPs and the Fact Sheets, and thus better qualified to assess compliance. By making direct observations, any issues could be immediately addressed.

Furthermore, because the inspections focused on large County campuses all County Departments were able to be surveyed in a single effort. This was a cost-effective way of determining the housekeeping practices of every single County Department. Smaller campuses are targeted as a Year 3 activity.

C. BMP 6.6 – Countywide Integrated Pest Management (IPM) Plan

Action: *Please provide, as an addendum to this annual report, a report of pesticide use and an update to the IPM strategy for permit Year 2007-2008. If this MG has not been met, please provide a schedule as to when it will be met.*

The IPM strategy was not updated in Year 2. The summary of pesticide use for 2007-08 is shown in Attachment G.

BMP 6.7 Storm Drain Maintenance

Action: *Please provide, as an addendum to this annual report, an inspection and maintenance schedule for County owned and operated treatment control facilities. If this MG has not been met, please provide a schedule for meeting the MG.*

The County owns and maintains the following treatment control facilities: seven neighborhood CDS units, one CDS unit at the South County transfer station, three bioswales, and one ultraviolet radiation treatment system.

The following inspection and maintenance schedule is followed:

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BMP	Inspection and Maintenance Schedule
Transfer Station CDS Unit (1)	Inspection annually, maintenance as-needed, but no less than two years
Neighborhood CDS Units (7)	Annual inspection and clean-out
Bioswales (3)	Biweekly inspection of bioswales with weeding or minor vegetation (cattail) removal as-needed for aesthetics and function
UV System (1)	Monthly inspections with annual bulb replacement at the UV system

BMP 6.8 Street Sweeping

***Action:** Please provide, as an addendum to this annual report, a revision in the Planned Year 3 Activities discussion that the County will continue to sweep streets a minimum of three times per year...Also, provide a proper discussion of why other County permitted areas, such as Isla Vista, Vandenberg Village, Los Olivos, Santa Ynez, and Mission Hills are not being swept. Include these areas in the sweeping program where appropriate.*

Streets were swept three times in Years 2 and 3, and will be swept three times in Year 4. No changes are proposed to the SWMP.

Our street sweeping program was designed and is being implemented to provide the greatest water quality benefit per dollar spent. The County sweeps commercial districts and heavily-used arterial streets three times per year, prior to storms likely to mobilize accumulated materials into the storm drain system. These include areas of Orcutt, Goleta, Montecito, and Summerland but not Vandenberg Village, Mission Hills, Santa Ynez, or Los Olivos, which are residential areas with relatively light traffic. Isla Vista is swept every two weeks year round by the Goleta West Sanitary District. In addition, Isla Vista Parks and Recreation District organizes weekly volunteer litter removal and monthly community cleanup events throughout the Isla Vista area.

In consultation with Transportation Division maintenance crews, areas were selected for street sweeping in commercial areas that typically produce more pollutants than residential areas due to more traffic movement with cars frequently coming and going (hot cars drip more than cold cars) and higher concentrations of people. Since the sweeper operates at night, the streets are generally free of vehicles, thereby avoiding more expensive signage, ticketing, and towing of cars. Timing of street sweeping (prior to forecast rain and after at least four weeks of antecedent dry conditions) is also intended to maximize water quality protection. The County has focused on sweeping 27 lane miles in areas where the greatest benefit is derived with the limited funds available. We will continue to evaluate the effectiveness of our street sweeping program along with our other municipal practices of cleaning and maintaining CDS storm drain units and bioswales. Combined these are the most expensive of our municipal operations BMP's, although they are also likely the most successful at Level 4 for pollutant load reduction.

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If you have any questions or need additional information, you may contact me at (805) 568-3373.

Sincerely,

Joy Hufschmid
Project Clean Water Manager

Attachments:

- A Example of information from Complaints / Discoveries (Table 1) and List of Cases with Letters (Notice of Violation) Sent (Table 2)
- B-1 Clean Water Training For Environmental Health
- B-2 Clean Water Training For Fire Dept
- B-3 Staff Training (Powerpoint)
- C HazWasteGen and BusPlanCalARP Inspection Forms
- D Food Facility Inspection Form
- E County Facilities, All
- F BMPs Evaluated Campus Audits
- G Pesticide Use FY07-08